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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,065	09/08/2005	Mark Beckmann	03869.105734	7574

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EXAMINER	
ZEWARI, SAYED T	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AustinUSPTO@kslaw.com
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Office Action Summary	Application No.	Applicant(s)	
	10/523,065	BECKMANN ET AL.	
	Examiner	Art Unit	
	SAYED T. ZEWARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed on 8/18/2010 have been fully considered but they are not persuasive.

2. With regard to claim 14, the applicant in part 1(see below), claims a transmitter. This limitation is met by the applied references. In the part 2 of the claim, the applicant claims what constitute as intended use. Further part 1 claims a transmitter while the part 2, the intended use, deals with the data that is received while applicant does not claim any receiver. Similarly, the other independent claim 28 and 29 has similar problems.

14. **(Currently Amended)** A method for transmitting user data messages from a network element of a radio communication system over at least one transmission channel to at least one subscriber device of the radio communication system, the method comprising:

1 transmitting at least one planning message to the at least one subscriber device to announce the form of the user data messages to be transmitted **via one or more transmission channels** subsequently to and separately from the at least one planning message, ~~**such that transmission of the at least one planning message is completed before beginning the transmission of the user data messages**~~; and

2 wherein the form of the user data messages announced by the at least one planning message includes at least one of a type of content of the user data messages and a coding of the user data messages, the form of the user data messages announced by the at least one planning message being used by each subscriber device to determine whether or not that subscriber device is technically capable of processing the user data messages, and to select whether or not to receive the user data messages **at that subscriber device** based on such determination, **wherein receiving the user data messages at the subscriber device comprises the subscriber device reading or monitoring the user data messages from the one or more transmission channels in which the user data messages are transmitted**.

Lim discloses a method of transmitting user data which announces the form of incoming user data message.

Sarkkinen discloses a method wherein the transmission of one planning message is completed and then user data is transmitted.

Both Lim and Sarkkinen disclose transmission of announcement message before actual transmission of data.

The newly added limitations to claims 14, 28, and 29 are disclosed by both Lim and Sarkkinen. Both Lim and Sarkkinen disclose a method of avoiding the waste of radio, processing, and power resources by back and forth signaling. So they put the burden on the mobile subscriber to decide if the mobile subscriber can handle the incoming content. If a subscriber can handle the incoming content, they will process it otherwise they do not waste power and radio resources processing that content. This inherently means that a mobile subscriber makes a decision regarding its technical capability by using the planning message. So this limitation is inherently met by both Lim and Sarkkinen.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 14, 15, 19-21, 23, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (US 2002/0,057,663) in view of Sarkkinen et al. (US 6684081).

With respect to claim 14, Lim discloses a method for transmitting user data messages from a network element of a radio communication system over at least one transmission channel to at least one subscriber device of the radio communication system **(See Lim's abstract figure 3, section [0034]-[0037])**, the method comprising: transmitting at least one planning message **(See Lim's section [0019], [0020], [0021], [0022])**, to the at least one subscriber device to announce the form of the user data messages to be transmitted via one or more transmission channels subsequently to and separately from the at least one planning message, and

wherein the, the form of the user data messages announced by the at least one planning message being used by each subscriber device to determine whether or not that subscriber device is technically capable of processing the user data messages and to select whether or not to receive the user data messages based on such determination. Lim discloses everything claimed as applied above to claim 14, except for explicitly reciting that data is to be transmitted subsequently to and separately from the at least one planning message, such that the transmission of the at least one planning message is completed before beginning the transmission of the user data messages; and wherein the form of the user data messages announced by the at least

one planning message includes at least one of a type of content of the user data messages and a coding of the user data message.

In analogous art, Sarkkinen et al discloses a communication system wherein both planning message and data are transmitted separately in similar way as recited above **(See Sarkkinen's col.2 lines 49-54, lines 1-46, col.3 lines 32-51, col.4 lines 33-39, 49-53, 60-67, col.5 lines 1-14).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lim by specifically sending announcement message separately from the data message for the purpose of conserving processing capacity and power, as disclosed by Sarkkinen.

With respect to claim 28, Lim discloses a subscriber device of a radio communication system, in which user data messages are transmitted over at least one transmission channel to the subscriber device **(See Lim's abstract figure 3, section [0034]-[0037])**, comprising parts for receiving only the user data messages which, with regard to an announced form, it is able to process, wherein the form of the user data message is announced by transmission of at least one planning message **(See Lim's section [0019], [0020], [0021], [0022)** wherein the form of the user data message announced by the at least one planning message is inherently being used by teach subscriber device to determine whether or not that subscriber device is technically capable of processing he user data messages, and to select whether or not to receive the user data messages at that subscriber device based on such determination wherein receiving the user data messages at the subscriber device comprises the subscriber device reading or monitoring the user data messages from the one or more

transmission channels in which the user data messages are transmitted **(See Lim's section [0019], [0020], [0021], [0022).** Lim discloses everything claimed as applied above to claim 28, except for explicitly reciting that data is to be transmitted subsequently to and separately from the at least one planning message, such that the transmission of the at least one planning message is completed before beginning the transmission of the user data messages; and wherein the form of the user data messages announced by the at least one planning message includes at least one of a type of content of the user data messages and a coding of the user data message. In analogous art, Sarkkinen et al discloses a communication system wherein both planning message and data are transmitted separately in similar way as recited above **(See Sarkkinen's col.2 lines 49-54, lines 1-46, col.3 lines 32-51, col.4 lines 33-39, 49-53, 60-67, col.5 lines 1-14).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lim by specifically sending announcement message separately from the data message for the purpose of conserving processing capacity and power, as disclosed by Sarkkinen.

With respect to claim 29, Lim discloses a radio communication system **(See Lim's abstract figure 3, section [0034]-[0037])**, comprising: At least one subscriber device **(See Lim's abstract figure 3, section [0034]-[0037])**; and A network element for transmitting user data message over at least one transmission channel to the at least one subscriber device **(See Lim's abstract figure 3, section [0034]-[0037])**, wherein a form of the user data messages is announced by transmission of at least one planning message **(See Lim's section [0019], [0020], [0021], [0022])** wherein the form

of the user data message announced by the at least one planning message is inherently being used by teach subscriber device to determine whether or not that subscriber device is technically capable of processing he user data messages, and to select whether or not to receive the user data messages at that subscriber device based on such determination wherein receiving the user data messages at the subscriber device comprises the subscriber device reading or monitoring the user data messages from the one or more transmission channels in which the user data messages are transmitted **(See Lim's section [0019], [0020], [0021], [0022).**Lim discloses everything claimed as applied above to claim 29, except for explicitly reciting that data is to be transmitted subsequently to and separately from the at least one planning message, such that the transmission of the at least one planning message is completed before beginning the transmission of the user data messages; and wherein the form of the user data messages announced by the at least one planning message includes at least one of a type of content of the user data messages and a coding of the user data message. In analogous art, Sarkkinen et al discloses a communication system wherein both planning message and data are transmitted separately in similar way as recited above **(See Sarkkinen's col.2 lines 49-54, lines 1-46, col.3 lines 32-51, col.4 lines 33-39, 49-53, 60-67, col.5 lines 1-14).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lim by specifically sending announcement message separately from the data message for the purpose of conserving processing capacity and power, as disclosed by Sarkkinen.

With respect to claim 15, Lim discloses a method for transmitting a user data messages wherein the at least one planning message includes a first planning message by which the transmission of the user data messages is announced via a first separate transmission channel **(See Lim's section [0010], furthermore the use a first channel for channel setup is in common usage)**, and a second planning message by which description information specifying the form of the user data messages to be transmitted is transmitted vial at least one second separate transmission channel **(See Lim's section [0010], furthermore the use a second channel for transmission is in common usage)**.

With respect to claim 19, Lim discloses a method for transmitting a user data messages wherein the method is carried out in a framework of a broadcast service **(See Lim's section [0017]- [0019]).**

With respect to claim 20, Lim discloses a method for transmitting a user data messages wherein the broadcast service is an extension of a Cell Broadcast Service **(See Lim's section [0017]- [0019]).**

With respect to claim 21, Lim discloses a method for transmitting a user data messages wherein the broadcast service is a multicast service **(See Lim's section [0017]- [0019]).**

With respect to claim 23, Lim discloses a method for transmitting a user data messages wherein the first planning message contains information about when and on which second separate transmission channel of which there is at leas one, at least one of second planning messages and user data messages are transmitted **(See Lim's**

section [0010], furthermore the use a first channel for channel setup is in common usage).

With respect to claim 25, Lim discloses a method for transmitting a user data messages wherein the subscriber device is a mobile radio device **(See Lim's section [0016], [0017], [0019], and [0026]).**

5. Claim 16-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (US 2002/0,057,663) in view of Holden (US 6,771,639).

With respect to claim 16, Lim discloses a method and system for transmitting a user data messages. However Lim does not specifically disclose that these data types includes one of a text format, an image format, an audio format and a video format **(See Holden's col.4 lines 17-32, 41-42, col.5 lines 6-34).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lim and combine it with that of Holden, thereby providing a system that announces the above mentioned information types, as disclosed by Holden **(See Holden's col.4 lines 17-32, 41-42, col.5 lines 6-34).**

With respect to claim 17, Lim discloses a method for transmitting a user data messages. However, Lim does not specifically discloses that the data type includes one of an MP3 format, an AMR format, a WAV format, a JPEG format and an MPEG 4 format **(See Holden's col.7 lines 11-24, col.9 lines 36-42, see additional**

information: col.6 lines 5-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lim and combine it with that of Holden, thereby providing a system that announces the above mentioned information types, as disclosed by Holden **(See Holden's col.7 lines 11-24, col.9 lines 36-42, see additional information: col.6 lines 5-31).**

With respect to claim 18, Lim discloses a method for transmitting a user data messages. However, Lim does not specifically discloses a method wherein the description information further includes parameters referring to one of data volume, image dimensions for at least one of image data and video data, and a playback duration for at least one of audio data and video data. But Holden discloses these limitations **(See Holden's col.7 lines 11-24, col.9 lines 36-42, see additional information: col.6 lines 5-31).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lim and combine it with that of Holden, thereby providing a system that announces the above mentioned information, as disclosed by Holden **(See Holden's col.2 lines 15-41).**

With respect to claims 31, the above combination of references applied, disclose all the limitations of the claim 31.

6. Claims 22, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (US 2002/0,057,663) in view of well-known prior art (MPEP 2144.03).

With respect to claim 22, Lim discloses a method for transmitting a user data messages. Lim does not specifically disclose the method is operated in accordance with a UMTS Standard. However, an official notice is taken that the concept and use of transmitting a user data messages are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to implement the method disclosed by Lim in a UMTS system.

With respect to claim 24, Lim discloses a method for transmitting a user data messages. Lim does not specifically disclose the subscriber device receives only data which the at least one subscriber device is designed to process. However, an official notice is taken that the concept and use of transmitting a user data messages to subscriber devices capable of processing that data are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to transmit only data messages that a subscriber device is capable of processing.

With respect to claim 26, Lim discloses a method for transmitting a user data messages. Lim does not specifically disclose a mobile phone. However, an official notice is taken that the concept and use of transmitting a user data messages using a mobile phone are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to implement the method disclosed by Lim in a mobile phone.

With respect to claim 27, Lim discloses a method for transmitting a user data messages. Lime does not specifically disclose the subscriber device receives only the

user data messages it is able to process. However, an official notice is taken that the concept and use of transmitting a user data messages to subscriber devices capable of processing that data are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to transmit only data messages that a subscriber device is capable of processing.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/
Examiner, Art Unit 2617

/LESTER KINCAID/
Supervisory Patent Examiner, Art Unit 2617